**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO.281 OF 2006**

**IN**

**CIVIL APPLICATION NO.3461 OF 2004**

**IN**

**FIRST APPEAL NO.901 OF 2003**

Murud Taluka Supari Kharedi
Vikri Sangh Ltd. : Applicant.

versus

Madhav Enterprises. : Respondent.

Mr.P.S.Dani for the applicant.

**CORAM : D.G.DESHPANDE**
**SMT.R.S.DALVI, JJ.**
**DATED : NOVEMBER 13, 2006.**

**P.C.**

1. Heard advocate for the applicant, who is the original respondent in the First Appeal.

Nobody is present for the original appellant even though Ms.Gauri Godse appears for them. There was a consent decree between the parties in the First Appeal No.901 of 2003. The original respondent agreed to accept Rs.35,00,000/- in full satisfaction of the decree. Clause 3 provides that if the amount is not so deposited within the said stipulated period, the applicant will be entitled to full decretal amount of Rs.42,00,000/- and odd. Twice the original appellant sought extension, but did not deposit the amount as agreed. Ultimately the appellant deposited Rs.Five lakhs when they filed 3rd application for extension. Application for extension came to be rejected on merits, but the amount of Rs.5,00,000/- is still lying in this court. The present application is for permission to withdraw that amount of Rs.Five lakhs. In view of the consent decree, the application is allowed. The applicant - original respondent is permitted to withdraw the amount of Rs.Five lakhs. Civil Application is disposed of.

**[D.G.DESHPANDE,J]**

[SMT.R.S.DALVI, J]